

DECLARATION

FB-1330

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenships are as stated below next to our names.

Each of the undersigned believes he is an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ORGANO LUMINESCENT SEMI CONDUCTOR NANOCRYSTAL PROBE FOR BIOLOGICAL APPLICATIONS AND PROCESS FOR MAKING AND USING SUCH PROBES

Serial No. not yet assigned, filed . We hereby state that we have reviewed and understand the contents of the above-identified specification, including claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certification having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Number	Country	Filed (Day/Month/Year)
Priority claimed _____ Yes _____ No		

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Serial No.	Filing Date	Status
------------	-------------	--------

Declaration

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Shimon Weiss

Full name of inventor

Signature

Pinole, CA

Residence (City, State or Foreign Country)

Date

2707 Garity Court, Pinole, CA 94564

Postal Address (Street, City, State, Zip Code)

Israel

Citizenship

Marcel Bruchez, Jr.

Full name of inventor

Signature

Albany, CA

Residence (City, State or Foreign Country)

Date

816 Hillside Avenue, Albany, CA 94706

Postal Address (Street, City, State, Zip Code)

USA

Citizenship

Paul Alivisatos

Full name of inventor

Signature

Oakland, CA

Residence (City, State or Foreign Country)

Date

5941 Estates Drive, Oakland, CA 94611

Postal Address (Street, City, State, Zip Code)

USA

Citizenship

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(d) & 1.27(d))--NONPROFIT ORGANIZATION	Docket Number (Optional) IB-1330
---	--

Applicant or Patentee: Weiss et al
Serial or Patent No.: not yet assigned
Filed or Issued: _____
Title: ORGANO LUMINESCENT SEMICONDUCTOR NANOCRYSTAL PROBE FOR BIOLOGICAL APPLICATIONS AND PROCESS FOR MAKING AND USING...

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:
NAME OF NONPROFIT ORGANIZATION The Regents, University of California
ADDRESS OF NONPROFIT ORGANIZATION 300 Lakeside Drive, 21st Floor
Oakland, CA 94612-3550

TYPE OF NONPROFIT ORGANIZATION:
☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

☐ the specification filed herewith with title as listed above.
☒ the application identified above
☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☐ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Paul R. Martin
TITLE IN ORGANIZATION OF PERSON SIGNING Manager, Patent Department
ADDRESS OF PERSON SIGNING Lawrence Berkeley Lab, Patent Department
One Cyclotron Road MS 90 1121 Berkeley CA
SIGNATURE *Paul R. Martin* DATE 11-24-97 94720